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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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SHERIDAN ROSS P.C. 1560 BROADWAY, SUITE 1200 DENVER, CO 80202				
EXAMINER				
GAUTHIER, GERALD				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/736,923

Applicant(s)

CHAN ET AL.

Examiner

Gerald Gauthier

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
 4. **Claims 1-49** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallagher (US 2003/0043978 A1) in view of Niedereder et al. (US 6,215,515 B1).

Regarding **claim 1**, Gallagher discloses a method for customizing an Interactive Voice Response unit (paragraph 0001), comprising:

providing an interactive voice response unit, the IVR comprising a menu structure comprising a plurality of menus, each menu comprising a plurality of options that are selectable by a user, wherein the plurality of menus and each menu's respective plurality of options define a plurality of potential navigation paths for the user through the menu structure (paragraph 0033);

receiving, from the user, a request to change the menu structure (paragraph 0062);

effecting the requested change to the menu structure (paragraph 0063); and
associating the changed menu structure with the requesting user (paragraph 0065).

Gallagher fails to disclose a request to hide a portion of the plurality of menus and a request to require authentication for a portion of the plurality of menus.

However, Niedereeder teaches wherein, the request to change the menu structure is one or more of a request to hide a portion of the plurality of menus and a request to require authentication for a portion of the plurality of menus (column 9, lines 52-64).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Gallagher using the teaching of the control unit menu as taught by Niedereeder.

This modification of the invention enables the system to add a request to hide a portion of the plurality of menus and a request to require authentication for a portion of the plurality of menus so that the user would only be able to operate these menus.

Regarding **claims 2 and 27**, Gallagher discloses a method, wherein the IVR comprises resource cards to handle digit collection from dual tone multi-frequency telephones, automatic speech recognition resources to detect user voice responses, and voice processing resources to record the user's prompts (paragraph 0065).

Regarding **claims 3 and 28**, Gallagher discloses a method, further comprising: providing the user with at least two of the following options: creating a new navigation path (paragraph 0064);

hiding a menu option; editing a new navigation path (paragraph 0064);
adding an authentication requirement to a selected menu (paragraph 0064); and
deleting an authentication requirement from a selected menu (paragraph 0064).

Regarding **claims 4 and 29**, Gallagher discloses a method, wherein the requested change is the creation of new navigation path (paragraph 0065).

Regarding **claims 5 and 30**, Gallagher discloses a method, wherein the effecting and associating steps comprise: creating a new navigation path at a location selected by the user (paragraph 0062);

saving the new navigation path in a configuration file associated with the user (paragraph 0062); and

recording a prompt from the user to indicate the new navigation path (paragraph 0062).

Regarding **claims 6 and 31**, Gallagher discloses a method, wherein the requested change is a change to a new navigation path configured by the user (paragraph 0062).

Regarding **claims 7 and 32**, Gallagher discloses a method, wherein, in the creating and saving steps, a current position vector of the user is saved and associated with the user (paragraph 0063).

Regarding **claims 8 and 33**, Gallagher discloses a method, further comprising: playing the recorded prompt to the user the next time the user is serviced by the IVR (paragraph 0063).

Regarding **claims 9 and 34**, Gallagher discloses a method, wherein the requested change is to hide at least one of a menu and an option (paragraph 0062).

Regarding **claims 10 and 35**, Gallagher discloses a method, wherein the effecting and associating steps comprise: adding the at least one of a menu and an

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option to a set of menus and/or options to hide in a selected navigation path (paragraph 0062); and

saving the modified set of menus and/or options in a configuration file associated with the user (paragraph 0062).

Regarding **claims 11 and 36**, Gallagher discloses a method, further comprising: receiving a request from the user to play the hidden at least one of a menu and an option (paragraph 0063); and

playing the at least one of a menu and an option to the user (paragraph 0063).

Regarding **claims 12 and 37**, Gallagher discloses a method, further comprising: determining whether the at least one of a menu and an option is eligible to be hidden (paragraph 0065);

when the at least one of a menu and an option is eligible to be hidden, performing the effecting and associating steps (paragraph 0065); and

when the at least one of a menu and an option is ineligible to be hidden, not performing the effecting and associating steps (paragraph 0065).

Regarding **claims 13 and 38**, Gallagher discloses a method, wherein the requested change is to add an authentication requirement associated with at least one of a menu and an option (paragraph 0063).

Regarding **claims 14 and 39**, Gallagher discloses a method, further comprising:
prompting the user to enter authentication information (paragraph 0056); and
prompting the user at least one of to attach a file, enter a pathname to the file
(paragraph 0056); and
to record a message to play to an authenticated user (paragraph 0056).

Regarding **claims 15 and 40**, Gallagher discloses a method, wherein the
requested change is to delete an authentication requirement associated with at least
one of a menu and an option (paragraph 0062).

Regarding **claims 16 and 41**, Gallagher discloses a method, further comprising:
prompting the user to enter authentication information (paragraph 0056);
validating the entered authentication information; when the authentication
information is successfully validated, performing the effecting step (paragraph 0056);
and
when the authentication information is unsuccessfully validated, not performing
the effecting step (paragraph 0056).

Regarding **claims 17 and 42**, Gallagher discloses a method, wherein the user is
provided with all of the options (paragraph 0062).

Regarding **claims 18 and 43**, Gallagher discloses a method, wherein the menu structure is associated with a server-based account of the user and further comprising, before the receiving step: prompting the user for authentication information (paragraph 0056);

receiving the authentication information (paragraph 0056);

validating the authentication information (paragraph 0056);

when the authentication information is successfully validated, performing the receiving step (paragraph 0056); and

when the authentication information is unsuccessfully validated, not performing the receiving step (paragraph 0056).

Regarding **claims 19 and 44**, Gallagher discloses a method, further comprising: selecting a shortcut code and associating the shortcut code with the new navigation path, whereby the user selects the new navigation path by entering the shortcut code (paragraph 0059).

Regarding **claims 20 and 45**, Gallagher discloses a method, wherein the change request is received through at least one of an audio and visual interface (paragraph 0061).

Regarding **claims 21 and 46**, Gallagher discloses a method, wherein the requested change is an edit to a new navigation path previously configured by the user (paragraph 0062).

Regarding **claims 22 and 47**, Gallagher discloses a method, further comprising: restoring the hidden at least one of a menu and an option (paragraph 0062).

Regarding **claims 23 and 48**, Gallagher discloses a method, wherein the IVR is associated with a plurality of user accounts, each user account corresponding to a unique user, wherein each user has a corresponding set of changes to the menu structure, and wherein the sets of changes are different from one another (paragraph 0065).

Regarding **claim 24**, Gallagher in combination with Niedereeder disclose the limitation of claim 24 as stated in claim 1's rejection above.

Regarding **claim 25**, Gallagher in combination with Niedereeder disclose the limitation of claim 25 as stated in claim 1's rejection above.

Regarding **claim 26**, Gallagher in combination with Niedereeder disclose all the limitations of claim 26 as stated in claim 1's rejection above. Furthermore Gallagher discloses a processor (102 on FIG. 1).

Regarding **claim 49**, Gallagher in combination with Niedereeder disclose all the limitations of claim 49 as stated in claim 1's rejection above. Furthermore Gallagher discloses first and second identifiers (paragraph 0036).

Response to Arguments

5. Applicant's arguments with respect to **claims 1-49** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gerald Gauthier
Primary Examiner
Art Unit 2614

/GG/
March 7, 2008

/Gerald Gauthier/
Primary Examiner, Art Unit 2614